



STATE OF NEW MEXICO
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SECRETARY OF STATE



Secretary of State and Attorney General's 2020 New Mexico General Election Voter Information Advisory

October 14, 2020

Introduction

The right of each voter to cast his or her ballot free from intimidation or coercion is foundational to our democracy. Multiple statutes protect voter rights and central to these rights is maintaining order in and around the polling place. Voter intimidation and discriminatory conduct, as well as obstruction or interference at the polls, is illegal under federal and New Mexico law. Any activity that threatens, harasses or intimidates voters, including any activity that is intended to, or has the effect of, interfering with any voter's right to vote is illegal, whether it occurs outside the polling place or inside the polling place.

Know Your Rights

All registered voters have a right to cast a secret ballot without anyone bothering you or telling you how to vote. If someone interferes with your right to vote through threats, intimidation, or coercion, or you become aware of any interference with the right of New Mexico residents to vote, please contact the Attorney General's Election Security Hotline at (505) 318-1008.

Trusted Information

Election Officials, which include the Office of the Secretary of State (SOS) and the 33 County Clerk Offices, are your source for reliable and trustworthy information for election information. Be wary of confusion and misinformation being posted by varying sources on television, online or on social media.

Voter Information Portal - [NMVote.org](https://nmvote.org)

New Mexico residents can find trusted information about the 2020 General Election, including polling locations, a ballot tracker, and a sample ballot, at [NMVote.org](https://nmvote.org) or by contacting your local county clerk.

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Drop Boxes

To further the effort to provide safe voting options during the pandemic, consistent with the Public Health Order, the SOS has issued specific guidance allowing for supervised absentee ballot drop boxes to be deployed during this election. These drop boxes are provided to voters as an alternative to mailing an absentee ballot back to the county clerk's office. County clerks may provide drop boxes both inside of polling locations and outside for express or drive through service depending upon the needs of a particular community.

All ballot drop boxes should be considered an extension of a polling location. As such, electioneering within 100 feet and other prohibited activities mentioned below apply to locations where ballot drop boxes have been set up. Additionally, drop boxes should have at least two workers supervising them at all times.

Again, pursuant to state law, only a voter, caregiver to that voter or member of that voter's immediate family may deliver that voter's absentee ballot.

Prohibited Activity and Unauthorized Individuals

Anyone who intentionally refuses to permit a person to vote who is entitled to under law commits a crime under the Federal Voting Rights Act of 1965 and the New Mexico Election Code.

Some specific activities are prohibited under federal and state law and are summarized in the following sections.

Unauthorized Individuals

The PJ is the first line of defense in asking unauthorized individuals at a polling location to leave immediately. If an individual is resistant to following instructions or to leaving, the PJ has been instructed to contact law enforcement and the county clerk.

Only authorized challengers, watchers, and observers are permitted inside a polling location. Self-appointed watchers, such as private citizens, individuals purportedly appointed by organizations or private militia type groups, are not allowed to linger in the polling location and can easily present a disruption.

Additionally, authorized challengers, watchers, or observers may not directly confront voters. They also may not use raised voices or insulting, offensive, or threatening language. No one may interfere with the duties of the election board members.

Media: While the NM Election Code does not specifically address media in the polling place, the county clerk or PJ may choose to allow media access as long as it is not interfering with the voting process or compromising the secrecy of the ballot.

Persons not authorized to be in the polling place or willfully blocking the entrance of a polling place may be guilty of obstructing the polling place.

Voter Intimidation

Voter intimidation is a crime under federal and state laws. Under the New Mexico Election Code, intimidation consists of "inducing or attempting to induce fear in any member of a election board, voter,